

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ELEAZAR ESPINOZA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Case No.: 3:03 cv 552 MJR

ORDER

This matter is before the Court on the Motion to Strike filed by the plaintiff, Eleazar Espinoza, on May 6, 2005 (Doc. 10). The motion is **DENIED**. The plaintiff, in this articulate motion, objects to the government's untimely request for an extension of time to file a response to his habeas petition. The government's motion already has been granted by the District Court. While it is understandable for the plaintiff to object to the motion, the interests of justice would not be served by *not* allowing the government to respond to his petition. The brief delay occasioned by granting the defendant additional time will not prejudice the plaintiff. For these reasons, the plaintiff's motion must be denied.

DATED: May 11, 2005.

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge